

II. Remarks

Claims 3, 5-6, 8-9 and 11-17 were pending in this application. The present amendment amends claims 3, 6 and 9 to more particularly point out and clarify Applicants' invention. No new matter has been added by the present amendment. After this amendment, claims 3, 5-6, 8-9 and 11-17 will be pending.

Applicants thank the Examiner for the case interview on October 2, 2008. Those present were Robert A. Coker and Daniel P. Dailey. The amendments made herein are in response to the office action and the discussion from the case interview.

Reconsideration of the application in view of the following remarks is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 3, 5-6, 8-9, and 11-17 were rejected under 35 U.S.C. § 103(a) as being un-patentable over U. S. Patent No. 6,394,487 issued to Heudorfer et al. ("Heudorfer") in view of U. S. Patent No. 6,343,811 issued to Hammer et al. ("Hammer"). Applicants respectfully submit that the rejections of claims 3, 5-6, 8-9, and 11-17 are traversed.

Applicants have amended claims 3, 6 and 9 to recite that at least one primary chamber respectively defines an aperture that provides fluid communication between the primary chamber and the gas generator. At least one secondary chamber defines an opening that provides fluid communication

between the secondary chamber and the gas generator. The aperture and the opening are sized such that the aperture is substantially larger than the opening. Support for this amendment may be found in Applicants' application at paragraph [0039] and Figures 1-2.

Heudorfer discloses an inflatable air bag for a motor vehicle. The air bag 10 is configured to be connected to a gas generator 12. The air bag 10 is arranged so that when the air bag 10 is inflated at least a portion of the air bag 10 covers a side wall of the vehicle. The air bag 10 may further include an additional air bag region configured to form an approximately spherically shaped chamber 16 when inflated. Notably, the Examiner has identified the spherically shaped chamber 16 as the primary chamber. Office Action at page 3. The spherically shaped chamber 16 has a gas inlet 32 providing fluid communication with the gas generator 12 for inflating the chamber 16. The spherically shaped chamber 16 provides for an advantageous shortening of the air bag 10 when the air bag 10 is inflated when compared to the dimensions of the air bag 10 in its un-inflated state. *Heudorfer at Abstract*. In one embodiment as illustrated in Figure 1, an elongated chamber 17 is arranged at an upper forward portion of the air bag and extends longitudinally towards the forward end of the air bag 10. Notably, the Examiner has identified the elongated chamber 17 as the secondary chamber. Office Action at page 3. The elongated chamber 17 has an inlet opening (Examiner has identified this inlet as "opening" on page 2 of the Office Action) that is approximately the same diameter as the elongated chamber 17. Notably, the

size of the gas inlet 32 of the spherical chamber 16 is substantially smaller than the opening of the elongated chamber 17.

Hammer discloses a side air bag 10 for a motor vehicle. The side air bag 10 has a gas generator 38 and a plurality of gas chambers 30 with substantially the same size inlet openings 32 throughout providing fluid communication with the gas generator for inflating the chambers 30. The air bag 10 also has two tethers 33 and 31 which are disposed at opposing ends of the air bag 10 along a lower portion of the air bag 10.

Neither Heudorfer nor Hammer independently or in combination, disclose or teach the present invention recited in independent claims 3, 6 and 9. More specifically, neither Heudorfer nor Hammer disclose or teach at least one primary chamber respectively defining an aperture and at least one secondary chamber defining an opening where the aperture and the opening are sized such that the aperture is substantially larger than the opening so that the secondary chamber begins to substantially expand and develop after the primary chamber is approximately fully expanded and developed by the gas generator. In that Heudorfer and Hammer lack the noted elements of claims 3, 6 and 9, the rejections based thereon should be withdrawn.

The Examiner posits that the aperture for the spherically shaped chamber 16 is the larger adjacent inlet that is labelled as "Aperture" on page 2 of the Office Action. This is however not the case. The inlet labelled as "Aperture" feeds gas from the gas generator to two chambers and is not respectively defined by the spherically shaped chamber 16. Accordingly,

Applicants believe amended claims 3, 6 and 9 and their dependent claims 5, 8, and 11-7 are in a condition for allowance. The claim amendments made herein also include revisions to improve the clarity with which the invention is claimed. Specifically, the independent claims are amended to delete the words "relative to" which does not seem appropriate.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Dated: October 6, 2008

By: /Steven L. Oberholtzer/
Steven L. Oberholtzer (Reg. No. 30,670)
ATTORNEYS FOR APPLICANTS

BRINKS HOFER GILSON & LIONE
524 SOUTH MAIN STREET
SUITE 200
ANN ARBOR, MI 48104-2921
(734) 302-6000